

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 84-12192

Priority: August 25, 2004

Maximum Diversion Rate: 0.03 CFS

This is to certify, that DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.03 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, Twp 36N, Rge 02E, B.M., CLEARWATER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
36N 02E 24	X																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2006**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of May, 2005


for KARL J DREHER, Director

71716

Ident. No. 84-12192

RECEIVED
MAY 16 2005
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
AUG 25 2004

To appropriate the public waters of the State of Idaho

IDWR/North
Phone 208-476-7133

1. Name of Applicant DAVID O. EBY
Mailing address 3243 UPPER FORDS CREEK RD. OROFINO, ID. 83544
2. Source of water supply WELL which is a tributary of N/A
3. Location of point of diversion is Township 36N Range 2E Sec. 24, in the SW ~~1/4~~ NE ~~1/4~~ NE ~~1/4~~ Govt. Lot -, B.M., CLEARWATER County;

additional points of diversion if any:

4. Water will be used for the following purposes:

CONTINUOUS

Amount .03 for HOUSEHOLD purposes from JAN. to JAN. (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .03 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 3 HP SUBMERSIBLE PUMP THROUGH 1150 FT 1 1/4" PVC PIPE TO HOUSE
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is 6 inches; proposed depth of well is 230 feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? 8/17/04, Drilling firm NAIL & SONS WELL DRILLING
Well was drilled for (well owner) YES; Drilling Permit No. _____

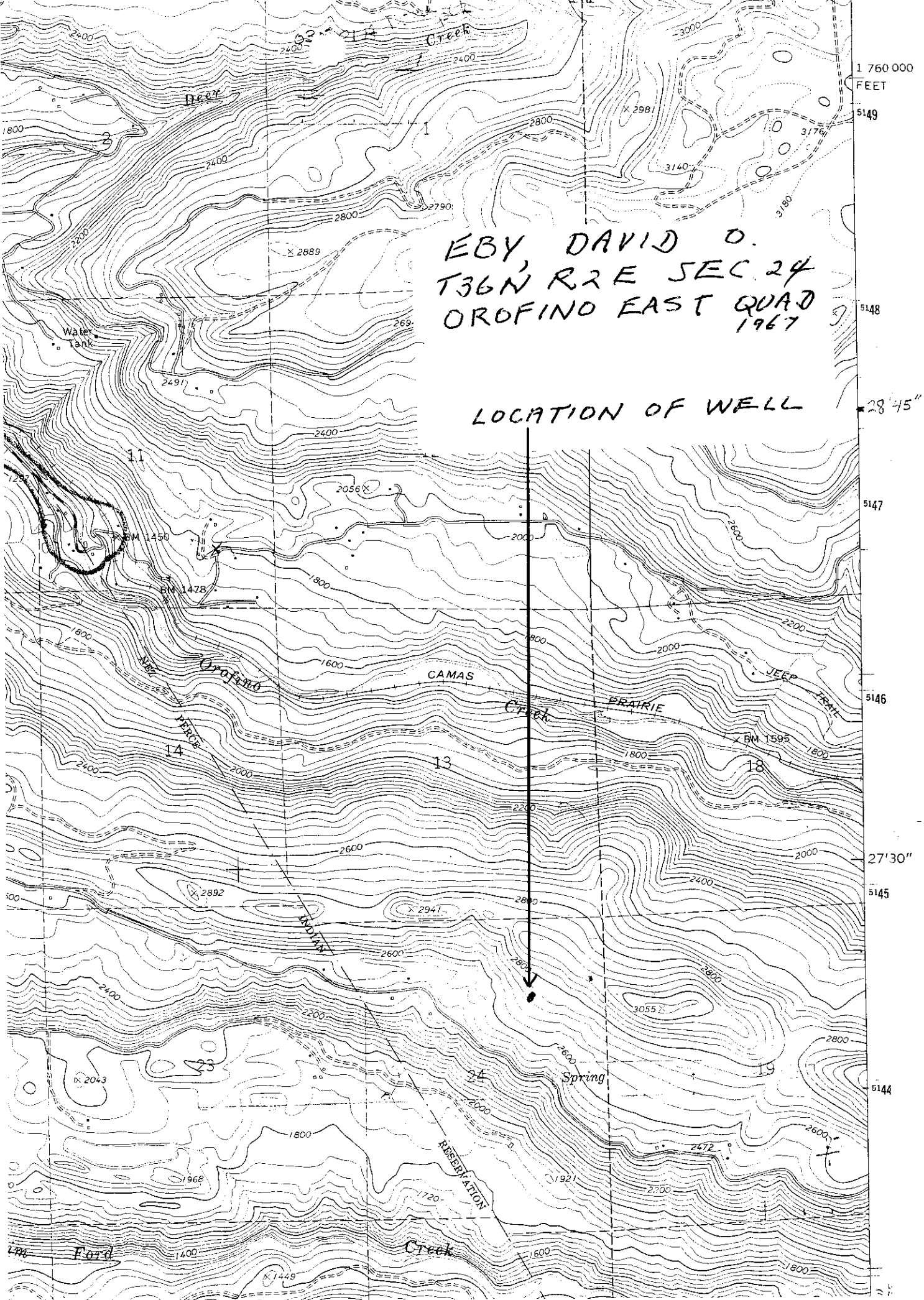
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1
e. Other; describe fully. _____

EBY, DAVID D.
T36N R2E SEC 24
OROFINO EAST QUAD
1967

LOCATION OF WELL



9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	2E	24	D																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? DAVID EBY

b. Who owns the land to be irrigated or place of use? " "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

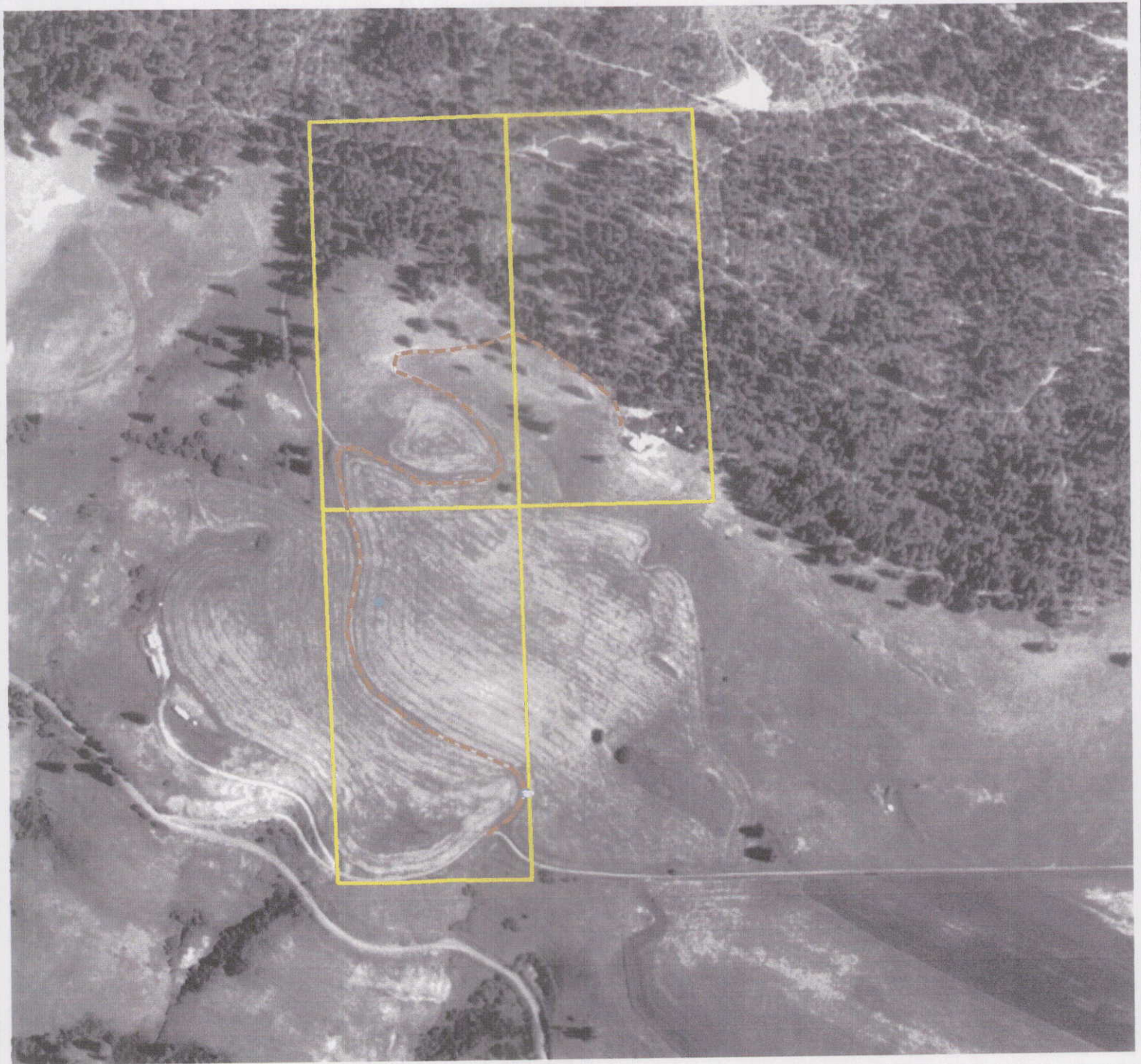

Signature of Applicant (and title, if applicable)

Received by db Date 8/25/04 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by db # N16513 Date 8/25/04
 Publication prepared by db Date 1/26/05 Published in Clearwater Trib 2/3+10/05
 Publication approved db Date 2/16/05

Layout1

MR DAVID O EBY

Date: 08/23/2004



Legend

- Wells_planned.shp
- Private Road
- ACCESS ROAD
- Original Property
- Planned Land Units



700 0 700 1400 Feet



IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only

Well ID No. _____

Inspected by _____

Twp _____ Rge _____ Sec _____

_____ 1/4 _____ 1/4 _____ 1/4

Lat: : : Long: : :

1. WELL TAG NO. D 0035247
 DRILLING PERMIT NO. 823636
 Water Right or Injection Well No. _____

2. OWNER:

Name DAVID EBY
Address 3243 UPPER FOX CREEK RD.
City ORANGE State TX Zip 75444

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 36 North ☒ or South ☐
Rge. 3 East ☐ or West ☐
Sec. 24 1/4 NE 1/4 SE 1/4 SW 1/4
Gov't Lot _____
Lat: _____ Long: _____
Address of Well Site _____

City ORANGE

(Give at least name of road - Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight	Volume	Seal Placement Method
SEAL WITH	0	113	1050		OVER SOLE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 220
Was drive shoe seal tested? ☒ Y ☐ N How? BY TEST

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	12	220	250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____
Packer ☒ Y ☐ N Type

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method

Screen Type & Method of Installation —

From	To	Slot Size	Number	Diameter	Material	Casing	Linear
Preparation						☐	☐
Installation						☐	☐
Operation						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method
11				
11				

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

02 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices:

6/11/11 CAP

12. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
15		220	1 hr

Water Temp. 56 Bottom hole temp. —

Water Quality test or comments: *Exp*

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

[illegible]

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name NEIL + SONS Firm No. 616

Principal Driller Mark Hail Date 9-11-07
and _____

Driller or Operator If _____ Date _____

Operator I _____ Date _____

Principal Driller and Rig Operator *Required*.
Operator I must have signature of Driller/Operator II.

FORWARD WHITE COPY TO WATER RESOURCES

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 1, 2005

DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544

RE: Permit No. 84-12192

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

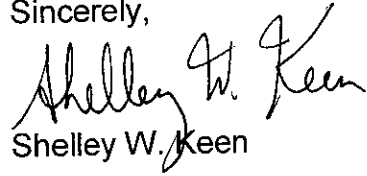
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

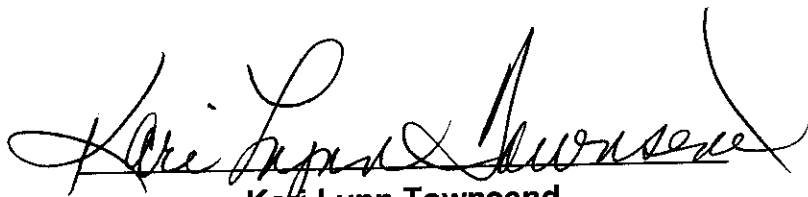
CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

84-12192

**DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

84-12192

1. kwalker 5/26/2005 POD

Comment: Updated shape

2. dball 1/20/2005 Legal Notice Remarks

Comment: Domestic use is for one home.

3. kwalker 5/26/2005 Permit Review

Comment: Application falls within Salmon Clearwater moratorium area but is for ground water so is exempt. Recommend approval.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

MARCIE STANTON

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of the THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the

Dept. of Water Resource

EBY & O LEARY APPLICATIONS

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two non-consecutive issues, commencing on the 3rd day of February 2005 and ending on the 10th day of February 2005

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 10th day of February in the year of 2005, before me, a Notary Public, personally appeared

Marcie Stanton

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Pamela A. Jones

Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 11-20-07

RECEIVED

FEB 16 2005

IDWR/North

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

84-12192

DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544
Point(s) of Diversion SWNENE S24 T36N R02E
CLEARWATER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 08/25/2004
Place Of Use: DOMESTIC T36N R02E S24 NENE
Remark: Domestic use is for one home.

84-12193

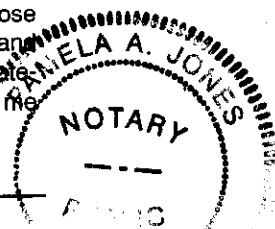
VICKI L O LEARY
JAMES P O LEARY
2387A HARMONY HTS RD
OROFINO ID 83544
Point(s) of Diversion SWSE S2 T36N R02E
CLEARWATER County
Source SPRING Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.11 CFS
Total Diversion: 0.11 CFS
Date Filed: 10/13/2004
Place Of Use: DOMESTIC T36N R02E S2 SWSW
Remark: Domestic use is for 3 homes and a shop.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/21/2005.

The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

02-03,10c



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

84-12192

DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544

Point(s) of Diversion SWNENE S24 T36N R02E CLEARWATER County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 08/25/2004

Place Of Use: DOMESTIC T36N R02E S24 NENE

Remark: Domestic use is for one home.

84-12193

VICKI L O LEARY
JAMES P O LEARY
2387A HARMONY HTS RD
OROFINO ID 83544

Point(s) of Diversion SWSE S2 T36N R02E CLEARWATER County

Source SPRING Tributary To SINKS

Use: DOMESTIC 01/01 To 12/31 0.11 CFS
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KARL J DREHER, Director

Published on February 3 and 10, 2005.



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION

January 26, 2005

MARCIE and/or ANDREA
LEGAL NOTICE DEPARTMENT
CLEARWATER TRIBUNE
PO BOX 71
OROFINO ID 83544

RE: Application for Permit No. 84-12192 and 84-12193

Dear Marcie and/or Andrea:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 3 and 10, 2004, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 21, 2005. Your cooperation is GREATLY appreciated. It's always a pleasure working with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, January 26, 2005 2:09 PM
To: Legal Notices-Clearwater Tribune (E-mail)
Subject: Legal Notice for WR #s 84-12192 and 84-12193 for publication on 2/3 and 2/10/05

Good afternoon Marcie and Andrea,

Attached is our cover letter requesting publication of the attached legal notice on February 3 and 10, 2005.\

If you have ANY questions, please call me at 208-769-1450 or e-mail me.

PLEASE FAX ME A PROOF COPY PRIOR TO PUBLICATION. THANKS BUNCHES!!

It is always good working with you.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

1/26/2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2005

DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544

RE: Application for Permit No 84-12192

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Clearwater Tribune on February 3 and 10, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

Enclosure(s) - Receipt No. N016513